

the ADO a copy of the EEOC decision. If the decision of the EEOC reverses or modifies the Army decision with a finding of discrimination, the EEO officer will make the complaint file available to the ADO.

**§ 588.67 Representing the ADO.**

(a) The ADO has a right to have a representative present to advise him or her any time when the ADO must provide information during the complaint process. This includes the informal stage, the investigation, and the hearing.

(b) The role of the ADO representative at all stages of the EEO complaint process is limited to advising the ADO on how to respond to questions. The representative does not have the right to examine and cross-examine witnesses at the EEOC hearing (as may be done by the complaints examiner and the representatives of the complainant and the Army) because the ADO is not a party to the complaint.

**§ 588.68 The ADO's role in class complaints of discrimination.**

The principles and procedures in this chapter on the ADO's role in individual complaints of discrimination also apply to class complaints.

**§ 588.69 Conflicts of interest.**

When a person involved in the EEO complaint process (for example, EEO officer, Activity Commander, MACOM EEO officer) is named as an ADO, the procedures below will be followed in order to avoid a possible conflict of interest:

(a) *EEO Officer.* If an EEO officer is named as an ADO in a discrimination complaint based on actions he or she has taken against the complainant, that officer's function in the processing of that complaint will be performed by the EEO officer at the next higher level. If the EEO officer is named as an ADO merely by virtue of his or her position, then he or she may continue to process the complaint.

(b) *Activity Commander.* If an Activity Commander is named as an ADO in a discrimination complaint based on actions he or she has taken against the complainant, that commander's function in the processing of that com-

plaint will be performed by the commander at the next higher level. If the Activity Commander is named as an ADO merely by virtue of his or her position, then he or she may continue to process the complaint.

(c) *Staff Judge Advocate (SJA).* If the SJA or senior legal officer of the servicing legal office is named as an ADO in a discrimination complaint based on actions he or she has taken against the complainant, legal advice to the command in the processing of that complaint will be provided by the servicing legal office of the next higher level of command. If the SJA or senior legal officer is named as an ADO merely by virtue of his or her position, then he or she may continue to provide advice on the complaint.

(d) *Civilian Personnel Officer (CPO).* If the CPO is named as an ADO in a discrimination complaint based on actions he or she has taken against the complainant, the CPO at the next higher level of command will provide personnel advice to the complaint.

(e) *MACOM EEO officer.* If a MACOM EEO officer is named as an ADO in a discrimination complaint based on actions he or she has taken against the complainant, that officer's function within the processing of that complaint will be performed by a special EEO officer designated by the MACOM commander. If the MACOM EEO officer is named as an ADO merely by virtue of his or her position, then he or she may continue to process the complaint.

(f) *MACOM commander.* If a MACOM commander is named as an ADO in a particular discrimination complaint based on actions he or she has taken against the complainant, that commander's function within the processing of that complaint will be performed by the Vice Chief of Staff of the Army. If the MACOM commander is named as an ADO merely by virtue of his or her position, then he or she may continue to process the complaint.

(g) *Director of EEO/Secretary of the Army.* If the Secretary of the Army or the Director of EEO is named as an ADO in a discrimination complaint based on actions he or she has taken against the complainant, the Secretary